

**Notice of Allowability**

Application No.

10/673,714

Examiner

Tu T. Nguyen

Applicant(s)

NUSPLIGER, ROBERT J.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 09/29/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

*The application has been amended as follows:*

- 1) Claim 9, line 2, **change** "rom" **to** – from --.
- 2) Claim 11, line 1, **change** "of clam 10" **to** – of claim 10 --.
- 3) Claim 14, line 1, **change** "of clam 10" **to** – of claim 10 --.
- 4) Claim 19, line 3, **change** "rom" **to** – from --.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

As per claims 1,10, the prior arts of record, taken alone or in combination, fail to disclose or render obvious a light detection system having a detector and located adjacent to and placeable in optical communication with the flow structure and positioned in a lateral or a non co-linear relationship with the light emission system for receiving a desired portion of the light scattered by the particulate matter, a calibration system including a calibration shutter located between the light emission system and the light detection system and remote from the flow structure to selectively admit light from the light emission system to enter the light detection system for calibration of the monitor without traveling through the flow structure, in combination with the rest of the limitations of the claims.

As per claim 20, the prior arts of record, taken alone or in combination, fail to disclose or render obvious a light detection system located adjacent the second aperture and external to the flow structure in a lateral relationship with the light emission system, the light detection system including a detector and a collector lens having principal planes; and a calibration system comprising a beam splitter, a mirror operatively associated with the light emission system for generating a calibration light beam, and a rotary shutter system located between the light emission system and the light detection system for selectively transmitting the calibration light beam or a desired portion thereof to the light detection system, the rotary shutter system including a rotary

shutter for directing light in a plane generally parallel to the principal planes of the collector lens, in combination with the rest of the limitations of the claim.

As per claim 25, the prior arts of record, taken alone or in combination, fail to disclose or render obvious the step of directing light from the light source to the light detection system via a path that does not travel through the flow conduit and which is directed in a plane generally parallel to the principal planes of the collector lens to yield information corresponding to the cleanliness of the collector lens, in combination with the rest of the steps of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T. Nguyen whose telephone number is (571) 272-2424. The examiner can normally be reached on T-F 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley Jr. can be reached on (571) 272-2800 Ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tu T. Nguyen  
Primary Examiner  
Art Unit 2877

06/21/2006